



VOLUNTARY INTOXICATION & CONSENT

Voluntary Intoxication & Consent



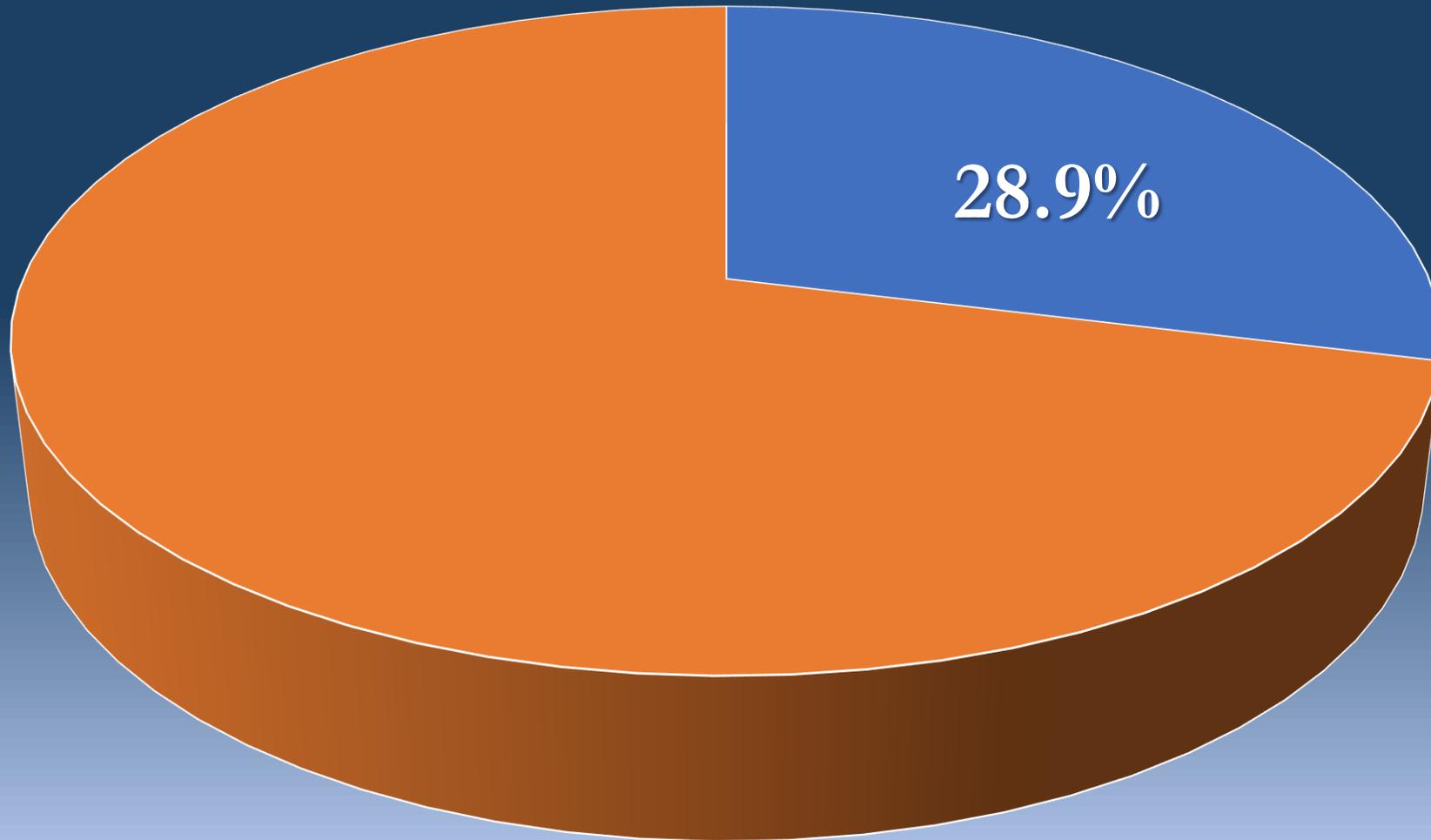
1. Statistics

*Based on 2007 Rape in Utah Survey
by Utah Commission on Criminal and Juvenile Justice
unless otherwise indicated*

1,816

Utah women interviewed

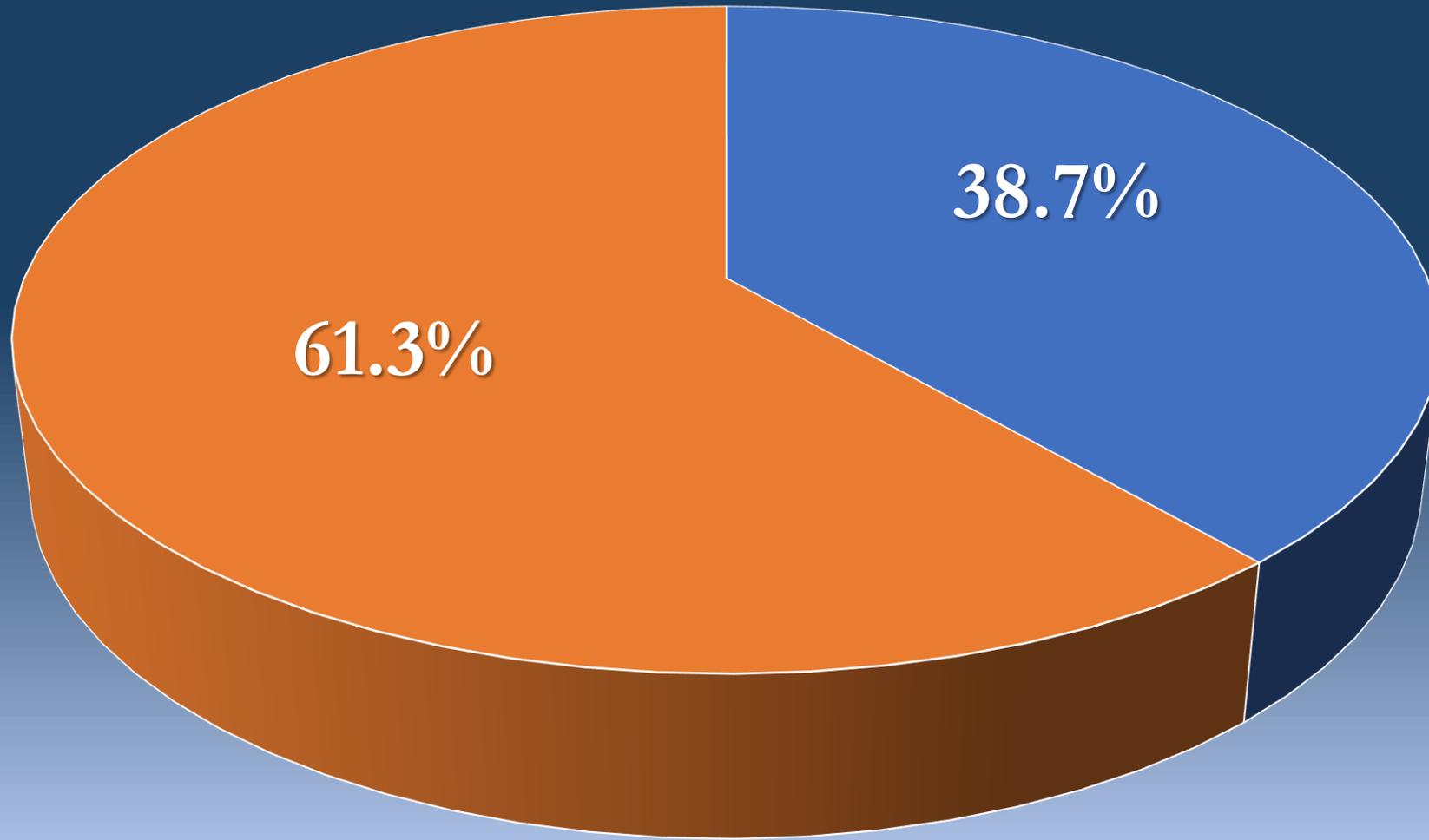
Almost 1/3 of Utah women



■ Victims of sexual assault

■ Others

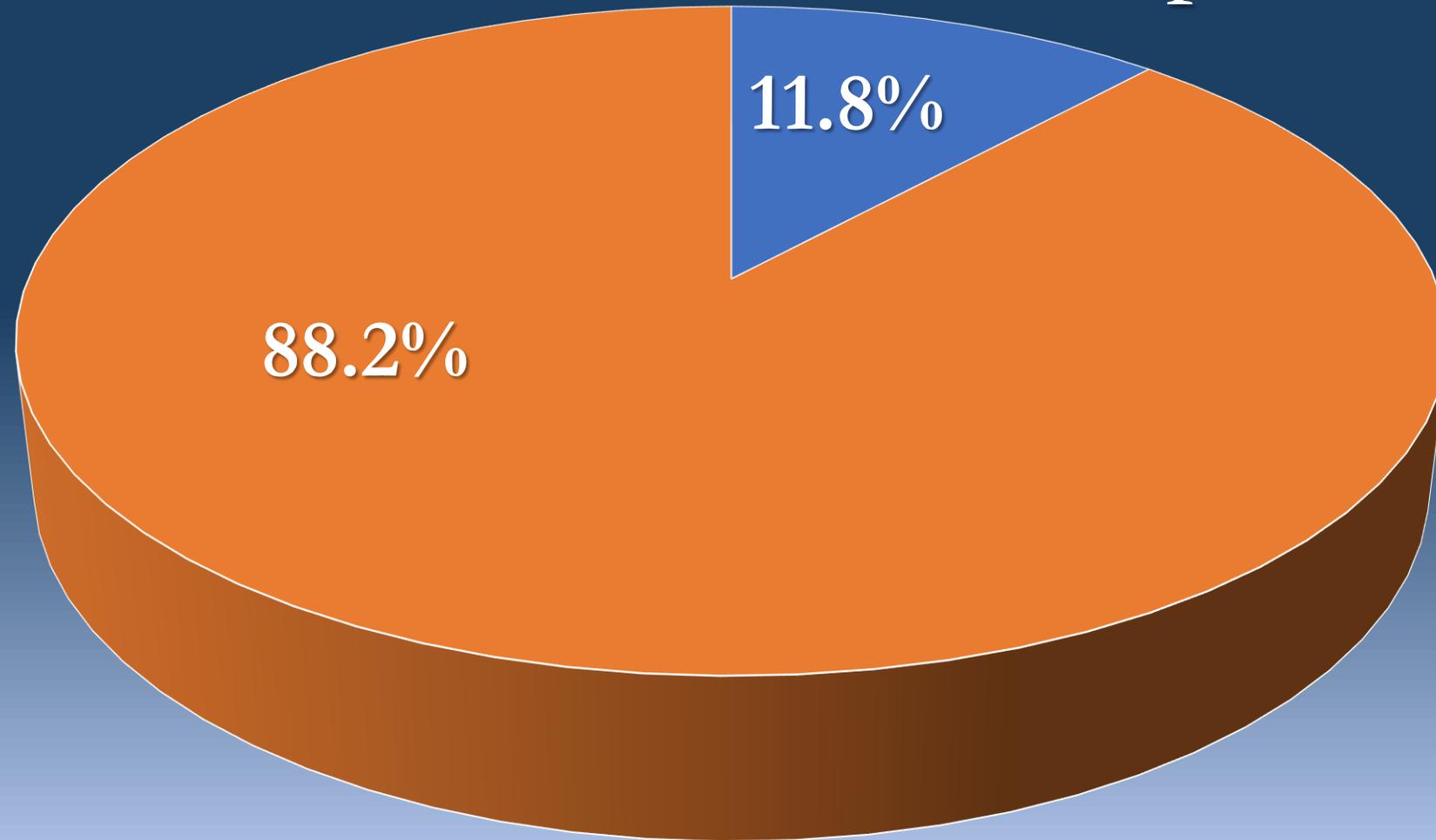
Most Victims are Re-victimized



■ Single incident

■ Multiple Incidents

Sexual Assaults are Under-reported



■ Reported to police

■ Unreported

The Myth of Widespread False Reports

- As old as Genesis
- Only between 2% and 10%

*False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases, David Lisak



2.

Intoxication

Intoxication in sexual assault

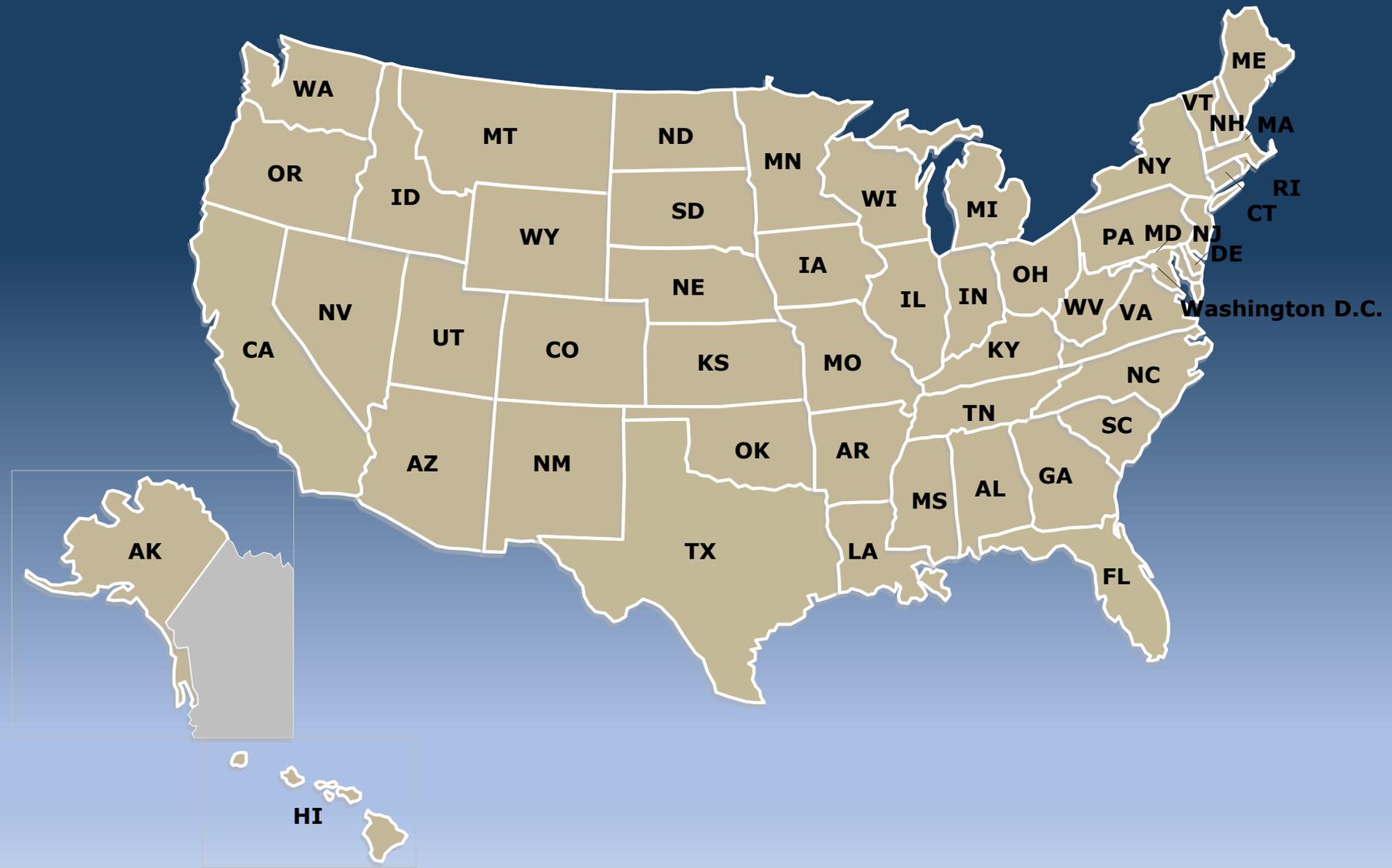
In Utah's 2007 survey, 41 said they were given drugs/alcohol without their knowledge

Utah law includes a section that says drugging a victim eliminates consent (76-5-406(2)(h))

Almost twice as many (81) said they were sexually assaulted after voluntary consumption



48 states and territories explicitly address intoxication and consent in statute



3. Proposal

Proposal

- Utah should add voluntary intoxication to the list of circumstances that aren't consensual
- 76-5-406(2)(m) the victim is incapable of consent by reason of drugs or alcohol and such condition is known or should have reasonably been known to the defendant.



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